IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 5614 of 2007
Date of decision : November 01, 2007

M/s Ramasra Trading Company

....Petitioner

versus

M/s Kishan Chand Ramesh Kumar

....Respondent

Coram: Hon'ble Mr. Justice Pritam Pal

Present : Mr. B.S.Bhalla, Advocate, for the petitioner

Pritam Pal,J. (Oral)

Petitioner has brought this petition under Article 227 of the Constitution of India for setting aside order dated 21.9.2007, whereby the trial court has dismissed the application for recalling PW Ramesh Kumar, who is an Accountant of the plaintiff's firm. It is stated by learned counsel for the petitioner that the evidence of the petitioner-defendant is yet to be recorded and the application of the petitioner has been dismissed mainly on the ground that questions to be put to the said witness have not been disclosed in the application. This reason given by the trial court is against the law. In support of his contention, the learned counsel has relied upon **M/s National Agro-Chemical Industries Ltd. vs National Research Development Corporation** , 2006 (3) Civil Court Cases 493 (Delhi).

After hearing the learned counsel and going through the record, I feel that no notice is required to be sent to the respondent and as such, this petition is disposed of with a direction that learned trial court shall recall the aforesaid witness for his further cross-examination by the defendant/petitioner subject to payment of costs of Rs 5000/- to the plaintiff-respondent.

(Pritam Pal)
Judge

November 01, 2007
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